

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CACTUS DRILLING COMPANY, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:12- CV-191-M
)	Beckham County CJ-2012-002
NATIONAL UNION FIRE INSURANCE)	
COMPANY OF PITTSBURGH, PA and)	
CHARTIS CLAIMS, INC.,)	
)	
Defendants.)	

**PLAINTIFF CACTUS DRILLING COMPANY, LLC’S
MOTION FOR ORAL ARGUMENT**

Plaintiff Cactus Drilling Company, LLC moves this Court for an Order scheduling oral argument at a time convenient for the Court on Defendants’ two separate Motions for Protective Order (the “Motions”) and Plaintiff’s opposition thereto. In support of this motion, Plaintiff offers the following:

1. On February 1, 2013, Defendants filed a Motion for Protective Order [Doc. 54] and supporting brief [Doc. 56] seeking *inter alia* to avoid the obligation to further respond to Plaintiff’s Requests for Production of Documents and to prohibit Plaintiff from propounding any additional discovery requests, subpoenas, or deposition notices.

2. On February 22, 2013, Plaintiff filed a Response to Defendants’ Motion for Protective Order [Doc. 78] and supporting brief [Doc. 80].

3. On March 6, 2013, Defendants filed a second Motion for Protective Order [Doc. 97] and supporting brief [Doc. 98] seeking to avoid the obligation to respond to Plaintiff's Second Requests for Production and First Requests for Admission.

4. On March 27, 2013, Plaintiff filed a Response to Defendants' (Second) Motion for Protective Order [Doc. 107].

5. The Motions are ripe for adjudication by the Court.

6. In accordance with LCvR 78.1, oral arguments on motions or objections will not be conducted unless ordered by the Court.

7. However, among the various matters raised by the parties' filings, there are significant issues before the Court that merit oral argument, to-wit: (i) whether Defendants may essentially end formal discovery in this lawsuit prior to the Court-imposed deadline for discovery by seeking to prohibit Plaintiff from taking depositions, issuing subpoenas or serving additional discovery requests; (ii) whether Defendants may prevent discovery from proceeding based upon their (adamantly disputed) position that additional discovery is not relevant because this case is purportedly ripe for summary judgment; and (iii) whether Defendant may prevent Plaintiff's discovery of Defendants' handling of and coverage positions taken with respect to similar claims in an effort to determine inconsistent treatment by the Defendants.

8. These issues, while addressed by the parties in their briefs, are substantial questions which, when ruled upon by the Court, will unquestionably have a significant impact on the manner in which the case proceeds.

9. Plaintiff is cognizant of the Court's time and will fully limit and concentrate arguments to the issues identified and the arguments set forth in the motions and supporting briefs.

10. Plaintiff's counsel has contacted Defendants' counsel who opposes this request for oral argument. Defendants have now been unilaterally seeking to prevent any discovery in this breach of contract and bad faith suit for almost four months. Defendants are refusing to honor subsequent subpoenas and notices pending resolution of the motions for protection. They refuse to agree to have these motions heard and thus obtain an expedited ruling. Their hope is that no ruling will be made until it is too late to complete and use the discovery sought. They have now also refused to even agree to a brief continuance of this case to allow this Court to issue necessary discovery rulings and allow for completion of the discovery.

RELIEF REQUESTED

For the reasons stated above, Plaintiff Cactus Drilling Company, LLC respectfully requests that the Court schedule oral argument on the matters raised in the Defendants' two separate Motions for Protective Order and Plaintiff's opposition thereto.

Respectfully submitted,

/s/ Michael W. Huddleston

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**ATTORNEYS FOR PLAINTIFF CACTUS
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CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiff's counsel has contacted Darrin Brooks and he opposes the filing of this motion for oral argument.

/s/ Michael W. Huddleston

Michael W. Huddleston

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April 2013, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the clerk will transmit a Notice of Electronic Filing to the following ECF registrants:

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